S.B. Civil Writ Petition No.3876/06
Bhanwar Das Swami Vs. State & Ors.

Date of Order : 12/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Manish Bhandari, for petitioner

Instant petition has been filed against the order of the Tribunal dt.17th April, 2006 [Ann.7] whereby the appeal preferred by the petitioner against the order of his transfer dt.3rd April, 2006 from Government Senior Secondary School, Dholia [Nagour] to Government Secondary Schoo, Police Line, Bhilwara, was rejected.

As the facts which have come on record before the Tribunal are that petitioner prior to his order of transfer/posting to Dholia, was working at Kusumbi and he remained posted there for more than 7 years and was transferred to Dholia [Nagour] vide order dt.8th July, 2005 and has been transferred vide order dt.3rd April, 2006 [Ann.1] to the District Bhilwara.

After taking into consideration the material, the Tribunal was of the opinion that the order impugned has been passed in the interest of administration and there is no malice which the petitioner was able to point out in the impugned decision of the Government in passing order of his transfer.

Shri Manish Bhandari, counsel for petitioner submits that against strength of 10 teachers only 4 teachers are working and he is the only teacher teaching Maths at Secondary level and on account of his transfer students of the institution will suffer and in such circumstances the action of the respondents cannot be said to be in the interest of administration. He has

further impleaded the Minister concerned as party respondent and alleged malice against him for passing order impugned and on the question put to the counsel he frankly concedes that the concerned Minister was not party respondent before the Tribunal and no malice was imputed against him.

In my opinion, the respondent State is the best judge to run its administration and employees who are holding transferable post has no right to continue at a particular station and if the authority has considered in the interest of administration to transfer the petitioner, I do not find any illegality in the said decision and so far as the fact as alleged that there was only 4 teachers posted out of which one has been transferred i.e. petitioner, in my opinion it is for the respondents to decide looking to the total number of strength available with regard posting in a particular institution. I do not find any illegality in the finding recorded by the Tribunal.

Consequently, the writ petition stands dismissed.

[Ajay Rastogi],J.

FRB